

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

ESTATE OF ALVIN COLE, et al.,

Plaintiffs,

CASE NO.: 21-cv-848

(originally, Case No.: 2:22-cv-0856)¹

v.

JOSEPH A. MENSAH,

Defendant.

**DEFENDANTS' RULE 54 (B) MOTION FOR RECONSIDERATION
OF THE COURT'S DENIAL OF JOSEPH MENSAH'S MOTION FOR SUMMARY
JUDGMENT DISMISSAL OF EXCESSIVE FORCE CLAIM (ECF 131)**

The defendants, by their attorneys, Wirth + Baynard, hereby move the court for reconsideration of *only that part of* the court's order (ECF 131) denying their motion for summary judgment dismissal of the plaintiffs' "excessive force" claim against Joseph Mensah. Reconsideration of the court's denial, and consequent granting of dismissal, will extinguish all claims and causes of action in the Cole lawsuit, and thereby conclude all cases consolidated by the court for resolution.

The grounds for this motion are contained in the supporting brief submitted herewith, and upon all papers and pleadings on file herein.

¹ This case was consolidated with two other cases, and the court ordered filings in any of the three consolidated cases to be made in the lead case (21-CV-848) only. The court's order on the defendants' motion for summary judgment dismissed the lead case in its entirety, as well as the second consolidated case (21-CV-1179). As a result, this case, 22-CV-0856, is the only matter with a claim surviving to a contemplated trial. The court has not yet amended its order that all materials be filed in the lead case, so this motion is being filed in Case No. 21-CV-848, pursuant to court order, but affects only the remaining claim in 22-CV-0856.

The defendants assert that reconsideration of the decision denying the final portion of their motion for summary judgment is necessary to correct a manifest error of law and to correct factual errors upon which the decision relied.

Dated this 26th day of April 2024.

WIRTH + BAYNARD
Attorneys for defendants

/s/ electronically signed Joseph M. Wirth
JOSEPH M. WIRTH
WI Bar No. 1012080
9898 W. Bluemound Road, Suite 2
Wauwatosa, Wisconsin 53226
T: (414) 291-7979 / F: (414) 291-7960
Email: jmw@wbattys.com